

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DR. MUHAMMAD ASHRAF,

Plaintiff,

Case No. 1:13-cv-533

vs.

Judge Timothy S. Black

DR. THOMAS BOAT,

Defendant.

FINAL APPEALABLE ORDER

On October 10, 2013, at a duly scheduled status conference, Plaintiff's counsel advised the Court that the Plaintiff consents to the Court converting its Order denying Plaintiff's motion for a temporary restraining order (Doc. 14) into an Order denying the motion for permanent injunction. Such a finding would give rise to a final appealable order. Moreover, this Court today finds that its Order denying Plaintiff's motion for a temporary restraining order (Doc. 14) is tantamount to an Order denying a motion for a preliminary injunction.

As the United States Court of Appeals for the Sixth Circuit has held: "A ruling denying a TRO is appealable if, as here, it is tantamount to a ruling on a preliminary injunction." *Wilson v. Wilkinson*, 28 Fed. Appx. 465, 466 (6th Cir. 2002) (citing *Manbourne, Inc. v. Conrad*, 796 F.2d 884, 887 n. 3 (7th Cir. 1986)). Moreover, a denial of a motion for an injunction is appealable under 28 U.S.C. § 1292(a)(1). Further, the Court certifies under Rule 54(b) of the Federal Rules of Civil Procedure that there is no just reason for delay in appeal of the Court's Order denying injunctive relief.

The Clerk shall enter judgment against Plaintiff accordingly; and today's Order, (which incorporates herein by reference, as if fully restated herein, the Court's August 6, 2013 Order Denying Plaintiff's Motion For A Temporary Restraining Order (Doc. 14)), shall constitute and is now a final appealable order, whereupon this case shall be **CLOSED** on the docket of this Court.

IT IS SO ORDERED.

Date: 10/18/13

/s/ Timothy S. Black
Timothy S. Black
United States District Judge